THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO.747 of 1996

DATE: 23-12-2005

Between:

1. K. Harischandra Reddy and others

.. Petitioners

A n d

1. The District Collector, Kurnool and others.

..Respondents

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO.747 of 1996

ORAL ORDER:

No representation on both sides.

2. This petition is filed questioning the proposed acquisition of land in S.Nos.329 and 332 admeasuring Ac.4.71 and Ac.3.71 respectively situated in Kurukunda

Village, Alur Mandal, Kurnool District, inter alia on the ground that dispensation of enquiry under Section 5-A of the Land Acquisition Act, 1894 (for short – the Act), is improper.

3. The apex Court in **UNION OF INDIA v. MUKHESH HANS** and **UNION OF INDIA v. KRISHAN LAL ARNEJA** held that enquiry under Section 5-A of the Act is a valuable right conferred on the landholders and the same cannot be dispensed with in every case unless there is pressing exigency or necessity. Since the proposed acquisition of land is for the purpose of providing house sites to weaker sections of the society, which is not such a pressing necessity and which would brook delay, dispensation of enquiry under Section 5-A of the Act is improper and unwarranted.

4. Therefore, this petition is disposed of with a direction to the respondents to hold enquiry under Section 5-A of the Act and proceed further as per law. No costs.

(C.Y.Somayajulu, J.)

Date: 23-12-2005

Cvrk